

IN THE DRAWINGS

Please amend FIG. 3, as indicated on the attached marked-up copy of original FIG. 3. No new matter is introduced.

## REMARKS

The present application was filed on July 31, 2001 with claims 1 through 6. Claims 1 through 6 are presently pending in the above-identified patent application. Claims 3-5 are proposed to be amended, claim 1, 2, and 6 are proposed to be cancelled, without prejudice, and new claims 7-11 are proposed to be added herein.

In the Office Action, the Examiner noted that the foreign priority claim filed was not entered because it was not filed during the time period set forth in 37 CFR 1.55(a)(1), and asserts that Applicant has not complied with the requirements of 37 CFR 1.63(c) since the oath, declaration, or application data sheet does not acknowledge the filing of any foreign application. The Examiner objected to FIG. 3 because item 301 should be labeled. The Examiner also rejected claims 1 and 6 under 35 U.S.C. §102(e) as being anticipated by Nelson, Jr., et al. (United States Application Publication Number 2001/0033579). The Examiner indicated that claims 2-5 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Foreign Priority Claim

The foreign priority claim filed was not entered because it was not filed during the time period set forth in 37 CFR 1.55(a)(1).

Applicants submit herewith a petition for an unintentionally delayed priority claim under 37 CFR 1.55(c), the claim for priority to the foreign application, and the surcharge under 37 CFR 1.17(t). Applicants note that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional.

Application Data Sheet

Since the oath, declaration, or application data sheet does not acknowledge the filing of any foreign application, the application does not comply with the requirements of 37 CFR 1.63(c).

An application data sheet is submitted herewith which identifies the present application by application number and filing date.

Drawings

FIG. 3 was objected to because item 301 was not labeled.

5 The drawings have been amended to include a label for item 301 and Applicants respectfully submit that the addition of such labels to FIG. 3 does not introduce new matter into the specification. Applicants respectfully request entry of the amendment to FIG. 3, as indicated on the attached marked-up copy of original FIG. 3 submitted herewith for the Examiner's approval, and request that the objection to the drawings be withdrawn.

10 Independent Claims 1 and 6

Independent claims 1 and 6 were rejected under 35 U.S.C. §102(e) as being anticipated by Nelson, Jr., et al. In particular, the Examiner asserts that Nelson discloses detecting a second signal portion that follows the first portion and has signal coding different from the first signal coding (Barker codes are not in the data payload).

15 New independent claims 7 and 11 have been added and incorporate the principal limitation of claim 2 (wherein said step of detecting a second signal portion in a received data signal further comprises the step of determining an auto-correlation between a first part of said second signal portion and a third part of said second signal portion). The Examiner has indicated that claim 2 would be allowable if rewritten in independent form including all of the limitations  
20 of the base claims and any intervening claims. Applicants could find no disclosure or suggestion by Nelson of *determining an auto-correlation between a first part of said second signal portion and a third part of said second signal portion*. (Independent claims 1 and 6 are proposed to be cancelled, without prejudice, herein.)

25 Thus, Nelson does not disclose or suggest wherein said step of detecting a second signal portion in a received data signal further comprises the step of determining an auto-correlation between a first part of said second signal portion and a third part of said second signal

portion, as required by new independent claims 7 and 11.

New Claims 8-10

New claims 8-10 have been added to more particularly point out and distinctly claim various features of the invention, consistent with the scope of the originally filed specification, in order to give applicant the protection to which he is entitled. No new matter is introduced. The Examiner has previously considered the subject matter presented in new claims 8-10 when allowing claims 3-5. As noted below, claims 8-10 are dependent on new independent claim 7 and are therefore patentably distinguished over Nelson because of their dependency from new independent claim 7 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

Allowance of claims 8-10 is believed to be warranted.

Dependent Claims 2-5 and 8-10

The Examiner indicated that claims 2-5 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.


Claims 2-5 and new claims 8-10 are dependent on new independent claims 11 and 7, respectively, and are therefore patentably distinguished over Nelson because of their dependency from new independent claims 7 and 11 for the reasons set forth above, as well as other elements these claims add in combination to their base claim. Claim 2 is proposed to be cancelled, without prejudice, herein.

All of the pending claims following entry of the amendments, i.e., claims 3-5 and 7-11, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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Annotated Sheet Showing Changes

fig-3

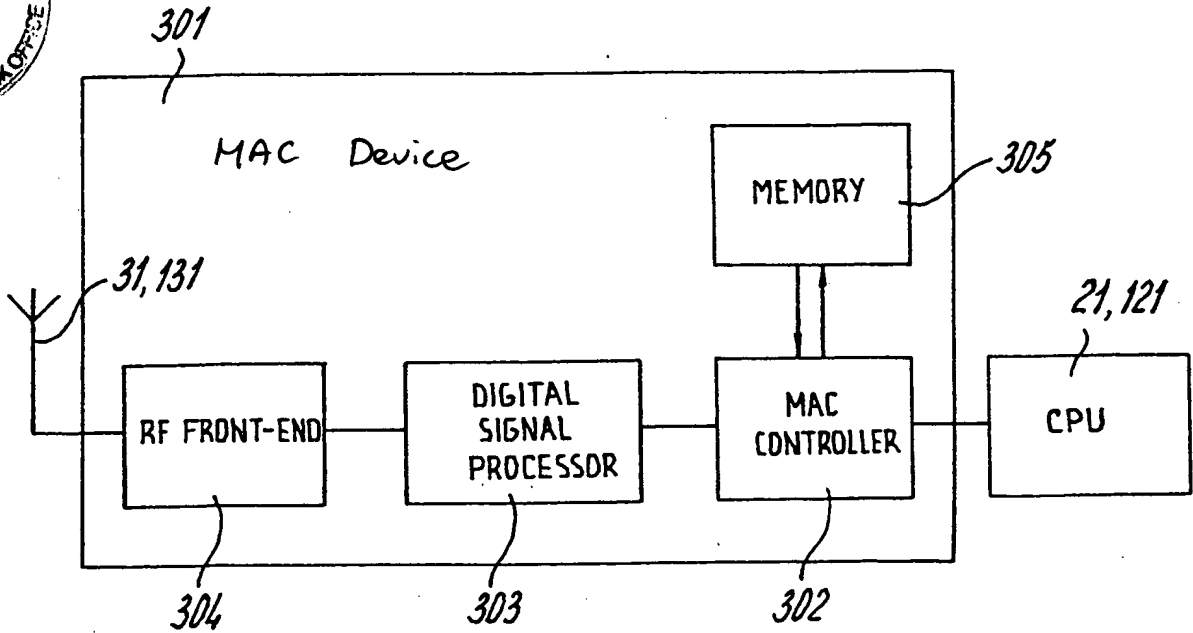


fig-5

